

Federal Communications Commission

DA 05-1702

Before the
Federal Communications Commission
Washington, D.C. 20554

JUL 8 11 28 AM '05

DISPATCH

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Oklahoma City, Oklahoma)

MB Docket No. 00-104
RM-9812

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 20, 2005

Released: July 8, 2005

By the Chief, Video Division:

1. At the request of Viacom Stations Group of OKC LLC ("petitioner"),¹ licensee of station KAUT-TV, Oklahoma City, Oklahoma, the Commission has before it the Further Notice of Proposed Rule Making, 18 FCC Rcd 14460 (2003), which proposed technical changes in the proposed operation of DTV channel 40 at Oklahoma City. Petitioner filed comments. No other comments were received.

2. Initially, the Commission issued the Notice of Proposed Rule Making, 15 FCC Rcd 9524 (2000), at the request of Paramount proposing the substitution of DTV channel 40 for station KAUT-TV assigned DTV channel 42. In response to the Notice, petitioner filed comments requesting a revision to the Notice to reflect its request to maximize KAUT-DT's facilities, an increase in ERP to 1000 kW.

3. In response to petitioner's amended proposal, the Commission issued the Further Notice seeking comments regarding petitioner's request to maximize its digital facilities. Petitioner filed comments reaffirming its intention to apply for DTV channel 40, if allotted.

4. We believe the public interest would be served by allotting DTV channel 40, since it will eliminate potential co-channel interference within the service area of KAUT-DT and KTFO-DT, Tulsa, Oklahoma. DTV channel 40 can be allotted to Oklahoma City, Oklahoma, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 35-35-52 N. and 97-29-22W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station KAUT-DT with the following specifications:

¹ Initially, Paramount Stations Group of Oklahoma City LLC, licensee of station KAUT-TV, filed the petition for rule making requesting the substitution of DTV channels for station KAUT-DT. However, pursuant to notification filed with the Commission on January 1, 2003, Viacom Stations Group of OKC LLC is currently the name of the licensee of station KAUT-TV.

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
OK Oklahoma City	40	1000	475	1304

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective August 22, 2005, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Oklahoma City, Oklahoma	15c, 16, 24, 27, *32, 33, 39, 40, 50, 51

6. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Viacom shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 40 in lieu of DTV Channel 42 for station KAUT-DT.

7. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A).

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau